

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CHRISTOPHER PEGUERO,

Plaintiff,

-against-

DEPARTMENT OF CORRECTIONS,

Defendant.

20-CV-2693 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff, currently detained in the Otis Bantum Correctional Center on Rikers Island, brought this action *pro se*. On April 28, 2020, Alexis Padilla of the Law Office of Alexis G. Padilla filed a Notice of Appearance on behalf of Plaintiff. (ECF No. 4.) On the same date, counsel submitted the attached letter (ECF No. 6) requesting that the Court dismiss the complaint without prejudice pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

Accordingly, the Court grants Plaintiff's request to withdraw this action pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

The Clerk of Court is directed not to charge Plaintiff the \$350.00 filing fee for this action, and the Warden or Superintendent having custody of Plaintiff is directed to suspend any previously authorized monetary deduction from Plaintiff's prison trust account for this lawsuit.

**CONCLUSION**

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. Plaintiff is granted *in forma pauperis* under 28 U.S.C. § 1915(a)(1) for the limited purpose of dismissing this complaint without prejudice. The complaint is voluntarily dismissed pursuant to Fed. R. Civ. P. 41(a).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: April 29, 2020  
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON  
Chief United States District Judge

**ALEXIS G. PADILLA**

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April 28, 2020

**BY ECF**

Hon. Colleen McMahon  
Chief United States District Judge  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007

Re: **Christopher Peguero v. Department of Corrections**  
20-CV-2693 (CM)

Your Honor:

My office represents the plaintiff, Christopher Peguero, in the above-referenced matter. I write in response to the Court's April 2, 2020 Order directing the plaintiff to provide a signed Prisoner Authorization form and to respectfully request that this case be dismissed without prejudice.

By way of background, Mr. Peguero filed this action pro-se while in the custody of the New York City Department of Corrections. He later contacted my office and I agreed to take on his case. However, at this time I respectfully request that this action be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) as I do not intend to prosecute Mr. Peguero's claims under federal statutes.

I thank the Court in advance for its time and attention to this matter.

Respectfully submitted,

/s/

**Alexis G. Padilla, Esq.**

*Attorney for Christopher Peguero*